



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 5345

Yoshiaki SAKAGAMI, *et al.*

Art Unit: 2624

Application No.: 10/814,343

Examiner: Elisa M. RICE

Filed: April 1, 2004

Attorney Dkt. No.: 059406.00017

For: IMAGE TRANSMISSION SYSTEM FOR A MOBILE ROBOT

DECLARATION UNDER 37 CFR § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, Mr. Susumu Terada, hereby declare:

1. I am a representative of Honda Motor Co. Ltd. ("Applicant") for the subject matter of Japanese Patent Application No. 2003-094171, filed on March 31, 2003 in the Japanese Patent Office, entitled "Image Transmission System for a Mobile Robot," and subsequently filed as U.S. Patent Application Serial No. 10/814,343 ("present application"), filed on April 1, 2004.

2. I am a citizen of Japan and an employee of the Japanese patent firm of Oshima & Narushima, IP Building 2-20 Kanda-Jimbocho, Chiyoda-ku, Tokyo 101-0051, Japan.

3. A certified copy of Japanese Patent Application No. 2003-094171 was filed in the United States Patent and Trademark Office along with relevant documents of U.S. Patent Application Serial No. 10/814,343 ("present application"), on April 1, 2004.

4. As certified and declared in the Declaration filed along with the subject matter of the present application filed on April 1, 2004 and as also shown in the corresponding English translation, the subject matter of the present application corresponds to the subject matter described in Japanese patent application No. 2003-094171 filed on March 31, 2003 in Japan, a WTO member country.

5. The Applicant had the intent to file the U.S. Patent application and claim priority rights under the Paris Convention under 35 U.S.C. § 119(a) as evidence by a first order letter to Oshima & Narushima of January 8, 2004. The first order letter requested the filing of a U.S. Paris Convention application corresponding to the subject matter described in Japanese Patent Application No. 2003-094171. A copy of the first order letter attached hereto.

6. On March 4, 2004, a second order letter was sent from Oshima & Narushima to the law firm of Squire, Sanders & Dempsey LLP (SSD) on behalf of the Applicant instructing SSD to prepare and file the application in the United States claiming the benefits of the Japanese priority date. This letter, however, was in a package with other papers addressed to SSD, and they did not find the letter until April 1, 2004.

The application was then immediately filed at the at the USPTO on April 1, 2004. A copy of the second order letter is attached hereto.

7. U.S. Publication No. 2004/0028260 to Higaki et al. ("Higaki") was filed August 7, 2003 and published February 12, 2004 and is, therefore, not available prior art as to any aspects of U.S. Patent Application Serial No. 10/814,343. Higaki's filing date and publication date are after the filing date of Japanese Patent Application No. 2003-094171 which relate to the subject matter of the present application, U.S. Patent Application Serial No. 10/814,343. Therefore, the filing of Japanese Patent Application No. 2003-094171 corresponding to the present application establish conception of the invention prior to the effective date of Higaki coupled with diligence from prior the effective date of Higaki until the filing date (constructive reduction to practice) of U.S. Patent Application Serial No. 10/814,343.

8. The filing of the application in Japan, the order letter from the Applicant requesting that a U.S. Paris Convention application be filed based on the description provided in the Japanese application, and the actual filing of the application at the USPTO effectively show that the Applicant intended to claim the benefit of earlier filing date under 35 U.S.C. § 119(a) are per se evidence of diligence.

9. That all statements made herein are believed to be true and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of this patent application, or any patent issuing thereon.

Date: July 4, 2008

Signed: S. Terada.
Mr. Susumu Terada

大島特許事務所 御中

平成16年1月8日

外国出願依頼書

整理番号 H1030849@@01

下記にしたがい、外国出願の手続きをお願い致します。

株式会社 本田技術研究所
和光基礎技術研究センター
後藤 智信

所属長	担当
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記

－1 名称 移動ロボットの画像送信装置

－2 日本国出願番号及び出願日(優は優先権主張する件)

(1) P2003094171 2003.03.31 優 H1030849JP01

－3 優先権主張日限(2004.03.31) 主張日 2003.03.31

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－6 出願国

出願国	出願形態	整理番号	現地代理人	備考
KR	パブリート	H1030849KR01	Y.S.CHANG 合同特許法律事務所	
US	〃	H1030849US01	SQUIRE SANDERS (Mr. Goldsch)	

－7 (請求範囲 1. 第1国と同じ 2. 別紙)